

LAW OFFICES OF RACHEL BLUMENFELD PLLC
Proposed Attorneys for
Debtor and Debtor-In-Possession
26 Court Street, Suite 2220
Brooklyn, NY 11242
(718) 858-9600

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In Re: Chapter 11

425 Marcy Avenue LLC, Case no: 1-23-40118-ess
Debtor.

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**AFFIDAVIT IN SUPPORT OF APPLICATION TO EMPLOY AND RETAIN THE LAW
OFFICE OF RACHEL S. BLUMENFELD PLLC AS ATTORNEYS FOR THE DEBTOR
AND DEBTOR-IN-POSSESSION AS OF THE EFFECTIVE DATE OF JANUARY 16, 2023**

STATE OF NEW YORK)
)ss.:
COUNTY OF KINGS)

Rachel S. Blumenfeld, Esq., being duly sworn, deposes and says that:

1. I am a member of The Law Office of Rachel S. Blumenfeld PLLC, with offices located at 26 Court Street, Suite 2220, Brooklyn, New York 11242. I have been duly admitted to practice before this Court and the Courts of the State of New York.

2. I submit this Affidavit in support of the Debtor and Debtor-in-Possession 425 Marcy Avenue LLC (the “Debtor”) Application to Employ and Retain The Law Office of Rachel S.

Blumenfeld PLLC as attorneys for the Debtor in connection with the above- captioned Chapter 11 case on the terms set forth in the accompanying Application.

3. The Law Office of Rachel S. Blumenfeld PLLC does not have any connection with the Debtor, its creditors, or any other party in interest herein or their respective attorneys except as described below. Furthermore, neither I nor The Law Office of Rachel S. Blumenfeld PLLC is a pre-petition creditor of the Debtor.

4. Based on the foregoing, I respectfully submit that The Law Office of Rachel S. Blumenfeld PLLC does not hold nor represent any interest adverse to the Debtor herein or its estate, in the matters upon which they are to be engaged.

DISINTERESTEDNESS

5. To the best of my knowledge, the Law Office of Rachel S. Blumenfeld PLLC is a “disinterested person” as that term is defined in § 101(14) of the Bankruptcy Code, in that the firm:

- a. is not a creditor, equity security holder or insider of the Debtor;
- b. is not and was not an investment banker for any outstanding security of the Debtor;
- c. has not been, within three years before the date of the filing of the Debtor’s Chapter 11 petition; (i) an investment banker for a security of the debtor; or (ii) an attorney for such an investment banker in connection with the offer, sale or issuance of a security of the Debtor; and
- d. is not and was not, within two years before the date of the filing of the Debtor’s Chapter 11 petition, a director, officer, or employee of the Debtor or of an investment banker specified in subparagraph (b) or (c) of this paragraph.

DISCLOSURE PROCEDURES

6. In preparing this affidavit, I searched the following categories:

- a. Debtor
- b. Significant equity holders
- c. Lenders and secured creditors
- d. Counterparties to leases
- d. Professionals
- e. Unsecured creditors

7. Upon review of the list, it is apparent that The Law Office of Rachel S. Blumenfeld PLLC does not hold or represent any interest that is adverse to the Debtors estate and The Law Office of Rachel S. Blumenfeld PLLC is a disinterested person.

8. The Law Office of Rachel S. Blumenfeld PLLC is not aware of any past or present relationship that would disqualify the Law Office of Rachel S. Blumenfeld PLLC from representing the Debtor.

9. (i) The Law Office of Rachel S. Blumenfeld PLLC does not expect to share any fees earned in this case with any other attorneys or parties, (ii) The Law Office of Rachel S. Blumenfeld PLLC conflict check in connection with this engagement included the Debtor's non-debtor business entities (and any known creditors of such businesses), and (iii) the source of the retainer paid to The Law Office of Rachel S. Blumenfeld PLLC in this case was .

BILLING RATES

9. This firms' billing rates are as follows:

Rachel S. Blumenfeld, Esq. \$525

10. The Law Office of Rachel S. Blumenfeld PLLC received a retainer payment in the sum of \$42,038.00, which includes the \$1,738.00 filing fee as a retainer from different sources including: Binyomin Lebovits; Sarah Lebovits; Judy Lebovits; Fradel Lebovits; Congregation Bein Nusen; and Regal Management Services (the “Retainer”) on account of legal services rendered and to be rendered, and on account of costs and expenses to act as counsel to the Debtor and to represent it as a debtor and debtor-in-possession in this case.

WHEREFORE, your Deponent respectfully requests the entry of the pre-fixed order, together with such other and further relief as is proper.

Dated: Brooklyn, New York January 19, 2023

Sworn to before me this
19th day January 2023

/s/ Rachel S. Blumenfeld

Rachel S. Blumenfeld

/s/ Gregory M. Messer

Notary Public